

Exhibit E

U.S. Patent No. 7,133,964			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
1, 17, 19, 34, 38, 72 & 78	"multiple plexes"	<p><u>PROPOSED CONSTRUCTION:</u> No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction necessary, the term means multiple groups of one or more storage units over which data may be mirrored</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 4:28-36; 4:50-52; 6:3; 8:7-22; 9:55-64; 10:19-64; 11:15-32; Figs. 2, 8, 10, 11 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '964 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> "two or more full copies of the file system"</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '964 Patent, Col. 1:37-49; Col. 2:11-12; Col. 4:47-52; Col. 5:13-21. • '964 Patent Prosecution History, Submission on or around May 8, 2006, and references cited therein. • '964 Patent Prosecution History, Notice of Allowability mailed on or around May 19, 2006. • Testimony by experts called by Sun, including Drs. Levy and/or Gardner, concerning the meaning of this term to one of skill in the art in the context of its use in the '964 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1, 17, 19, 34, 38, 72 & 78 and 72	"configuration" and "configuration information"	<p><u>PROPOSED CONSTRUCTION FOR "CONFIGURATION":</u> logical organization of a group of storage units.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See abstract; 4:19-22; 5:65-67; 7:8-12; Figs. 2, 8, 10, 11 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use 	<p><u>PROPOSED CONSTRUCTION:</u> "information identifying a disk within the entire collection of disks and describing the entire collection of disks"</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '964 Patent at Abstract, Col. 1:37-49; Col. 2:3-4, 9-10, 21-29; Col. 3:51-55, 66-67; Col. 4:1-6; Col. 5:25-37, 58-67; Col. 6:1-11, 26-67; Col. 7:1-27, 32-47; Figs. 4, 5, 7 and accompanying text. • '964 Patent Prosecution History, Office Action mailed February 3, 2006, and references cited therein.

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		<p>in the '964 patent.</p> <ul style="list-style-type: none"> • NetApp reserves the right to rely on any evidence identified by Sun. <p><u>PROPOSED CONSTRUCTION FOR “CONFIGURATION INFORMATION”</u>: information indicating the configuration to which a storage unit potentially belongs.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 4:19-22; 5:65-6:12; 7:8-12. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '964 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<ul style="list-style-type: none"> • '964 Patent Prosecution History, Submission on or around May 8, 2006, and references cited therein. • '964 Patent Prosecution History, Notice of Allowability mailed on or around May 19, 2006. • configuration in reference to networks, the entire interconnected set of hardware, or the way in which a network is laid out – the manner in which elements are connected. MICROSOFT PRESS COMPUTER DICTIONARY (1991), p. 80.; MICROSOFT PRESS COMPUTER DICTIONARY (1997), 3rd Ed. p. 113.; MICROSOFT PRESS COMPUTER DICTIONARY (2002), 5th ed. p. 123. • Testimony by experts called by Sun, including Drs. Levy and/or Gardner, concerning the meaning of this term to one of skill in the art in the context of its use in the '964 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1, 17, 19, 34, 38, 72 & 78 and 72	“collection of storage units” and “collection”	<p><u>PROPOSED CONSTRUCTION</u>: No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction necessary, the term means one or more units that store data.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 1:12-25; 3:12-13; 3:66-4:7. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of 	<p><u>PROPOSED CONSTRUCTION</u>: “two or more physical storage devices”</p> <p><u>EVIDENCE</u>:</p> <ul style="list-style-type: none"> • '964 Patent, Col. 1:12-26, 37-49; Col. 3:51-55, 66-67; Col. 4:1-6; Figs. 2, 6, 8, 9A, 9B, 9E and accompanying text. • Testimony by experts called by Sun, including Drs. Levy and/or Gardner, concerning the meaning of this term to one of skill in the art in the context of its use in the '964 patent. • Sun reserves the right to rely on any evidence identified by

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		<p>this term to one of skill in the art in the context of its use in the '964 patent.</p> <ul style="list-style-type: none"> • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>NetApp.</p>
1, 17, 19, 78	“configuration identifier”	<p><u>PROPOSED CONSTRUCTION:</u> information identifying the configuration to which a storage unit potentially belongs.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 4:19-22; 5:65-6:12; 7:8-12. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '964 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> “a number assigned to a configuration”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '964 Patent at Abstract, Col. 1:37-49; Col. 2:3-4, 9-10, 21-29; Col. 3:51-55, 66-67; Col. 4:1-6; Col. 5:25-37, 58-67; Col. 6:1-11, 26-67; Col. 7:1-57; Figs. 4, 5, 7 and accompanying text. • '964 Patent Prosecution History, Office Action mailed February 3, 2006, and references cited therein. • '964 Patent Prosecution History, Submission on or around May 8, 2006, and references cited therein. • '964 Patent Prosecution History, Notice of Allowability mailed on or around May 19, 2006. • configuration in reference to networks, the entire interconnected set of hardware, or the way in which a network is laid out – the manner in which elements are connected. MICROSOFT PRESS COMPUTER DICTIONARY (1991), p. 80.; MICROSOFT PRESS COMPUTER DICTIONARY (1997), 3rd Ed. p. 113.; MICROSOFT PRESS COMPUTER DICTIONARY (2002), 5th ed. p. 123. • Testimony by experts called by Sun, including Drs. Levy and/or Gardner, concerning the meaning of this term to one of skill in the art in the context of its use in the '964 patent.

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1, 17, 19, 34, 38, 72 & 78	"sequence number"	<p><u>PROPOSED CONSTRUCTION:</u> No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction necessary, the term means a unique one of an increasing sequence of numbers.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Feb. 3, 2006, Office Action Non-Final Rejection at 3-4. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '964 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> "a unique number written to each storage device in the plex that increments by one (1) per configuration"</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '964 Patent at Abstract, Col. 1:37-49; Col. 2:3-4, 9-10, 21-29; Col. 3:51-55, 66-67; Col. 4:1-6; Col. 5:25-37, 58-67; Col. 6:1-11, 26-67; Col. 7:1-57; Col. 8:7-67; Col. 9:1-9, 27-30; Figs. 4, 5, 7 and accompanying text. • '964 Patent Prosecution History, Office Action mailed February 3, 2006, and references cited therein. • '964 Patent Prosecution History, Submission on or around May 8, 2006, and references cited therein. • '964 Patent Prosecution History, Notice of Allowability mailed on or around May 19, 2006. • Testimony by experts called by Sun, including Drs. Levy and/or Gardner, concerning the meaning of this term to one of skill in the art in the context of its use in the '964 patent. • Sun reserves the right to rely on any evidence identified by NetApp.